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SUBJECT: IRAN: GUARDIAN COUNCIL'S ROLE TAKES CENTER STAGE

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REASON: 1.4(B), (D)

11. (C) SUMMARY: Opposition leader Mehdi Karrubi's February 22 call for a national referendum on the role of the Guardian Council in vetting candidates for elected office follows on the heels of news that the Expediency Council, led by Chairman Ali Akbar Hashemi Rafsanjani and Secretary Mohsen Rezaei, is formulating proposed revisions to the Election Law that would effectively neutralize the Guardian Council's influence over elections. The Expediency Council proposal, which is still in committee, drew immediate fire from hardline conservative regime elements. Moderate proponents of the plan, including Rezaei, defended the plan to establish a National Election Commission charged with ensuring candidates compete on a 'level playing field', arguing that work on the initiative predates the disputed June 2009 Presidential election and was approved by Supreme Leader Khamenei. Nevertheless, it is unlikely that Khamenei will accede to any diminishing of his institutional power and of the Guardian Council's role in elections, especially at a time when it is fundamentally unsure of its ability to compete in any sort of fair election, and when it is consolidating its ability to manage popular dissent. END SUMMARY

12. (SBU) Hossein Shariatmadari, editor of the hardline daily Kayhan, 'broke' the story of the Expediency Council proposal with a February 20 front-page editorial slamming senior members of the Expediency Council for tabling a plan "clearly aimed at eliminating the Guardian Council's role" in vetting potential candidates for offices. If enacted, argued Shariatmadari, the initiative would "circumvent the Constitution" while serving the interests of "enemies of the System both at home and abroad." (NOTE: Shariatmadari was appointed to his position by the Supreme Leader and Kayhan's editorial line often serves to 'preview' Khamenei's stance on policy issues. END NOTE)

13. (SBU) The administration's reaction was more subdued, but equally dismissive of the brewing Expediency Council initiative. Deputy Interior Minister Solat Mortazavi told reporters February 20 that though it was "premature" to comment on the unfinished plan, the proposal was "insignificant" since the Interior Ministry would be presenting its own proposal for revising the election law to the government by the end of February. Conservative MP and staunch Ahmadinejad ally Hojatoleslam Ruhollah Hosseinian quickly declared the Majlis would never accept such legislation.

14. (SBU) Expediency Council members Mohsen Rezaei and Taimor-Ali Asgari rebutted the criticism head-on in a series of interviews February 22. Former IRGC head and 2009 Presidential candidate Rezaei took Shariatmadari to task for "speculating without complete

information" and emphasized that any change would have to be approved by the Supreme Leader and therefore this initiative could not be interpreted as an indirect attempt to limit his authority. Rezaei also argued that the Islamic Republic's Constitution is sufficiently vague on how election should be conducted as to warrant further legal refinement. Asgari, for his part, explained to the press that the Expediency Council has been working on the Election Law "since 1387" (March 2008-March 2009) when the Supreme Leader approved EC Chairman Rafsanjani's recommendation that the law be overhauled.

¶5. (SBU) In the interview with semi-official news agency ILNA, Asgari elaborated on the plan in question, which remains in the EC's 'Politics, Defense and Security Committee' headed by former nuclear negotiator Hossein Rowhani. According to Asgari, the proposal will recommend that candidate vetting be transferred from the Guardian Council to a new 'National Election Commission' that would also oversee campaign financing, ensure government resources are not used on behalf of a candidate, and generally guarantee a level playing field for all candidates. As currently conceived, the National Election Commission would be comprised of the Interior Minister, the Intelligence Minister, head of the Supreme Audit Court, one MP, the Attorney General, head of the State Inspection Organization, an Expediency Council member, head of the Supreme Provincial Council, the state broadcasting head, and one Guardian Council member who would "of course" have observer, not voting, status.

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Karrubi Jumps on the Bandwagon?

¶6. (SBU) Mehdi Karrubi, in his first public statement since the government thwarted the opposition's plans to co-opt February 11 national day celebrations, called on authorities February 22 to allow opposition supporters to rally peacefully and to hold a national referendum on the role of the Guardian Council in elections. Karrubi argued that since the "totalitarian regime" is hyping the February 11 rallies as a "referendum to endorse its violent policies against the people, I propose the holding of a general referendum to resolve the crisis and to put an end to the Guardian Council's interference...which impedes free and fair elections."

¶7. (C) COMMENT: The Constitution gives the Guardian Council "supervisory" power over all elections, a role which was substantially strengthened by election legislation passed by the Fifth Majlis (1996-2000). As currently interpreted, this power means the 12-man body determines who can stand as a candidate and certifies final election results. Because the Guardian Council is appointed (six directly and six indirectly) by the Supreme Leader, the current interpretation of the Guardian Council's supervisory role over elections is arguably Khamenei's single greatest lever of influence over Iranian politics. As such, it is inconceivable that he would accede to a plan that would cut the Guardian Council out of the election-rigging business without a guarantee that his personal influence would remain supreme. Similarly, Karrubi's call for a national referendum on the role of the Guardian Council may have publicity value for the demoralized opposition movement, but no realistic chance of being enacted. While it is possible he is trying to play "bad cop" to the Expediency Council's more sober machinations, it could very likely strengthen the hardliners' argument that the Council's proposed Election Law reform is a thinly-veiled challenge to the Supreme Leader's authority. END COMMENT.
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